

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 39552 of 2003(H)

PETITIONER:

**N.K.SUBRAMANIAN,
RETIRED JUNIOR SUPERINTENDENT, SUB TREASURY,
KODUNGALLUR, RESIDING AT NADUVIL HOUSE,
HOUSE NO.IV/277, LOKAMALESWARAM,
KODUNGALLUR-680 664.**

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

- 1. SUB TREASURY OFFICER, KODUNGALLUR.**
- 2. DIRECTOR OF TREASURIES,
THIRUVANANTHAPURAM.**
- 3. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVT.,
GOVERNMENT SECRETARIAT, TRIVANDRUM.**

BY GOVT.PLEADER SRI.MANOJ KUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE JUDGMENT DTD. 14/02/2002 IN O.P.NO.11332/95 OF THIS HON'BLE COURT.
- EXT.P2: COPY OF THE REPRESENTATION DTD. 13/08/2002 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P3: COPY OF REPRESENTATION DTD. 17/10/2002 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P4: COPY OF THE REPRESENTATION DTD. 13/08/2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P5: COPY OF THE REPRESENTATION DTD. 26/08/2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P6; COPY OF THE REPRESENTATION DTD. 13/09/2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P7: COPY OF THE ORDER NO.VIG/4882/91 DTD. 3/12/2002 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P8: COPY OF THE COMMUNICATION NO.VIG/4882/91 DTD. 30/08/2003 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P9; COPY OF THE COMMUNICATION NO.VIG/4882/91 DTD. 27/09/2003 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P10: COPY OF THE STATEMENT SHOWN IN THE DETAILS OF ARREARS OF THE PETITIONER.
- EXT.P11; COPY OF THE SUSPENSION ORDER ISSUED TO THE PETITIONER DTD. 9/01/98.
- EXT.P12: COPY OF THE APPEAL PREFERRED BY THE PETITIONER BEFORE THE PRINCIPAL SECRETARY TO GOVERNMENT ON 18/05/98.
- EXT.P13: COPY OF GOVT.ORDER NO.53546/ESTT/C1/98/FIN. DTD.6/08/98 ISSUED TO THE PETITIONER.

/TRUE COPY/

KSS

KURIAN JOSEPH , J

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W.P.(C) NO. 39552 OF 2003

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner approached this Court with certain grievances regarding settlement of his pension and pensionary benefits. Apparently, there is dispute regarding the regularisation of the suspension period from 10.02.1997 to 03.09.2007. It is seen from Ext.P11 order dated 09.01.1998 that the period has been regularised as eligible leave. It is now settled law that if only there is any leave to the credit of an incumbent available on the date of regularisation of the suspension, i.e, as on 09.01.98 then only such leave can be set off. In other words, in case there is no leave available to the credit of the petitioner as on 09.01.1998, the period will have to be treated as duty for all purposes. Only to the extent of available leave, suspension period can be regularised against that period. There will be a direction to the 2nd respondent to take appropriate action with regard to the regularisation of the suspension period in the light of the above observation, with notice to the petitioner within a period of three months from the date of production of a copy of this judgment.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

